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IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

IN RE: Curtis B. Sutton Nellie C. Sutton * CHAPTER 13
SSN: 3162 SSN: 8928 * CASE NO. 12-11895
DEBTORS *

AMENDED CHAPTER 13 PLAN

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) or the debtor(s) employer shall pay to the trustee the sum of **\$490.00 monthly**.
2. From the payments so received, the trustee shall make disbursements as follows:
 - (a) The Trustee percentage fee as set by the United States Trustee
 - (b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the first payment designated here will be added to the pre-petition arrearage claim) **None**
 - (c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

<u>NAME OF CREDITOR</u>	<u>ADEQUATE PROTECTION AMOUNT</u>
Ally Finance	\$50.00

- (d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing.

<u>NAME OF CREDITOR</u>	<u>ESTIMATED AMOUNT DUE</u>	<u>INT.</u>	<u>COLLATERAL</u>	<u>MONTHLY PAYMENT</u>
Ally Finance	\$20,000	4	2009 GMC Sierra	\$380.00

- (e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows: **None**
- (f) Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \$3,000.00 to be paid as follows:
Pursuant to Current Administrative Order on the Attorney Fee Awards
- (g) After the above are paid, distribution will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows: **None**
- (h) The following collateral is surrendered to the creditor:

<u>NAME OF CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>
Capital One Yamaha	2009 Yamaha Grizzly 4-wheeler

- (i) The following domestic support obligations will be paid over the life of the plan: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will not include interest. Interest can only be included if the plan is proposing to pay all claims in full.) **None**
- (j) The following unsecured claims are classified to be paid at 100% These payments will be paid simultaneously with payment of the secured debts:

<u>NAME OF CREDITOR</u>	<u>ESTIMATED AMOUNT DUE</u>	<u>INT.</u>	<u>DESCRIPTION</u>	<u>TO BE PAID</u>
Ben Hill County Tax Comm	\$603	0	2011 property taxes	\$10.00

- (k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.
- (l) The debtor(s) will be the disbursing agent on the following debts: **Community Banking Co. shall be paid direct.**
- (m) Special provisions:
 1. Payments to the trustee shall be made as follows: **Payroll Deduction of Curtis Sutton at Lippert Components, 2338 Immokalee Road, Naples, FL 34110-1445**
 2. Upon discharge of the Debtor(s), **titles to all vehicles**, free of creditors liens, shall be returned to the debtor(s).
 3. Upon discharge of the Debtor(s), and pursuant to § Section 522 (f), all non-possessory non-purchase money interest(s) in household goods and furnishings, wearing apparel, appliances, and jewelry are avoided to the extent of the debtor's exemptions as to the following:
 4. Upon discharge of the Debtor(s), all judicial lien(s) in all property of the debtor, acquired both pre-filing and post-filing, are avoided to the extent allowed by law including but not limited to the following:
 5. Upon discharge of the Debtor(s), and in addition to other relief provided under Federal Law, all tax liens, either local, state or federal, shall be void as to any future acquired property and to any increase in equity in any property currently held by the debtor(s).
 6. Debtor has been advised that the Debt to N/A does not pay interest of penalties but that interest and penalties will continue to accrue and will be due and payable to N/A at the completion of the bankruptcy.
- (n) Debtors will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three)
 1. Debtor will pay all of this disposable income as shown on Form B22C of \$0 to the non priority unsecured

creditors in order to be eligible for a discharge.

2. If the debtor filed a Chapter 7 case, the unsecured creditors would receive \$0. Debtor will pay this amount to the priority and other unsecured credits in order to be eligible for discharge.
 3. The debtor will pay \$0 to the general unsecured creditors to be distributed prorata.
- (o) General unsecured creditors whose claims are duly proven and allowed will be paid as follows:
the debtor(s) will make payments for 56 months and anticipates a dividend of 0%, but will also exceed the highest amount shown in paragraph (n)(1), (n)(2) or (n)(3) above.
- (p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding § 1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The chapter 13 Trustee will not be required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.
- (q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Dated: March 8, 2013

/s/ Curtis B. Sutton
Curtis B. Sutton- Debtor

/s/ Nellie C. Sutton
Nellie C. Sutton - Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

IN RE:

CURTIS B. SUTTON

NELLIE C. SUTTON

DEBTOR

*** CHAPTER 13**

*** CASE NO. 12-11895-JDW**

NOTICE

NOTICE IS HEREBY GIVEN THAT THE ABOVE DEBTORS HAVE FILED AN AMENDED CHAPTER 13 PLAN BEFORE CONFIRMATION WITH THE COURT.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO CONFIRM THE AMENDED CHAPTER 13 PLAN OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION, THEN YOU OR YOUR ATTORNEY MUST FILE AN OBJECTION WITH THE COURT AT LEAST SEVEN DAYS PRIOR TO THE CONFIRMATION HEARING WHICH HAS BEEN SCHEDULED FOR APRIL 9, 2013 AT 9:00 A.M. IN THE C.B. KING US COURTHOUSE, 2ND FLOOR, U.S. BANKRUPTCY COURTROOM, 201 BROAD AVENUE, ALBANY, GA 31701. **A CONTINUANCE WILL BE REQUESTED AT THAT HEARING FOR THE CONFIRMATION TO BE CONTINUED TO MAY 7, 2013 AT 9:00 A.M. IN THE C.B. KING US COURTHOUSE, 2ND FLOOR, U.S. BANKRUPTCY COURTROOM, 201 BROAD AVENUE, ALBANY, GA 31701.**

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** IT ON OR BEFORE SEVEN DAYS PRIOR TO THE CONFIRMATION HEARING AS STATED ABOVE.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE AMENDED PLAN AND MAY ENTER AN ORDER CONFIRMING SAID AMENDED CHAPTER 13 PLAN.

THIS NOTICE IS BEING SENT TO YOU BY COUNSEL FOR PURSUANT TO 11 U.S.C. SECTION 362, RULE 9014 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, AND M.D.GA LBR 9007-1.

This the 5th Day of April, 2013.

MICHAEL H. TURNER, P.C.

/s/ Michael H. Turner

Michael H. Turner

State Bar #719599

This Document was Prepared by:
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**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

**IN RE:
CURTIS B. SUTTON
NELLIE C. SUTTON**

DEBTOR

*** CHAPTER 13
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* CASE NO. 12-11895-JDW

MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION

Debtors, under the authority of §1323 of the Bankruptcy Code, file this Motion for Modification of their plan and respectfully show:

-1-

Debtors withdraw their Chapter 13 plan heretofore filed and substitute in lieu thereof a new plan. A copy of the proposed plan, which shall be referred to as the “Amended Chapter 13 Plan”, is attached hereto; and Debtors propose to surrender the 2009 Yamaha Grizzly 4-wheeler to Capital One Yamaha.

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After notice and opportunity for objections, the plan as modified should become Debtors’ plan.

WHEREFORE, Debtors pray that his Motion for Modification of Plan be approved.

This the 5th day of April, 2013.

/s/ Michael H. Turner

Michael H. Turner
State Bar #719599

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**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

IN RE:

CURTIS B. SUTTON

NELLIE C. SUTTON

DEBTOR

*** CHAPTER 13**

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CERTIFICATE OF SERVICE

I, the individual named below, certify that I am, and at all times hereinafter mentioned was, more than 18 years of age and I served a copy of the within Notice together with the accompanying motion upon all of the creditors listed on the attached Exhibit "A" together with Kristin Hurst, the Chapter 13 Trustee, P.O. Box 1907, Columbus, GA 31902 by depositing the same in the United States Mail with sufficient postage affixed thereon to insure prompt delivery to the trustee.

I certify under penalty of perjury that the foregoing is true and correct.

This the 5th day of April, 2013.

/s/ Michael H. Turner

Michael H. Turner

Attorney for Debtors

P. O. Box 2519
Tifton, GA 31793
229/382-2455

EXHIBIT "A"

Albany Gastroenterology
1009 North Monroe Street
Albany, GA 31701

Albany General Surgery
910 N. Jefferson Street, Suite B
Albany, GA 31701

Albany Pulmonary & Critical Care
804 13th Avenue
Albany, GA 31701

Ally Financial
P.O. Box 380901
Bloomington, MN 55438

ARMS
P.O. Box 15727
Savannah, GA 31416-2427

ASF Medical Center
110 Bowens Mill Road
Douglas, GA 31533

Ben Hill County Tax Assessor
113 South Sheridan Street
Fitzgerald, GA 31750

Capital One Yamaha
c/o Bass & Associates
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712

Chase
Cardmember Services
P.O. Box 15153
Wilmington, DE 19886-5153

Colony City Finance
210 South Sherman Street
Fitzgerald, GA 31750

Community Banking Co.
P.O. Box 130
Fitzgerald, GA 31750

Credit Bureau Associates
321 Main Street
Tifton, GA 31794

Georgia Sports Medicine
P.O. Box 7630
Tifton, GA 31793

Irwin County Hospital
710 N. Irwin Avenue
Ocilla, GA 31774

Lowes

P.O. Box 103104
Roswell, GA 30076

MRS Homecare
104 Norman Dorminey Drive
Fitzgerald, GA 31750

Optimal Radiology
P.O. Box 292999
Nashville, TN 37229

Phoebe Physicians Group
c/o Credit Bureau Associates
321 Main Street
Tifton, GA 31794

Phoebe Putney Memorial Hospital
P.O. Box 1828
Albany, GA 31702-1828

Practice Plus of SW GA
c/o Credit Bureau of SW GA
P. O. Box 1966
Albany, GA 31702

South Georgia Radiology
P.O. Box 3201
Augusta, GA 30914

Stephen Sutton
136 Allatoona Road
Fitzgerald, GA 31750

Tifton Pathological Services, PC
1105 E. 20th St.
Tifton, GA 31794

Tifton Radiology
P.O. Box 1409
Waycross, GA 31502

Verizon Wireless
P.O. Box 26055
Minneapolis, MN 55426

Wal-Mart
P.O. Box 103104
Roswell, GA 30076

Curtis and Nellie Sutton
136 Allatoona Road
Fitzgerald, GA 31750